

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 28, 2008. Claims 1, 3, and 5 to 15 are in the application, with Claims 1, 6, 7, 8, 10 and 12 being independent. Claims 1, 6, 7, 8, 10 and 12 have been amended herein. Reconsideration and further examination are respectfully requested.

Applicants' undersigned attorney thanks the Examiner and her supervisor for the courtesies extended during a telephonic interview conducted on March 17, 2009. Applicants respectfully submit that the foregoing amendments and these remarks contain the entire substance of the interview.

During the interview, the current rejection of the claims under 35 U.S.C. § 103(a) over U.S. Patent No. 6,336,045 (Brooks) in view of "*Biomedical Applications of Micro-and-Nanoengineering*", Proceedings of SPIE Vol. 4937, 2002 (Nicolau) was discussed. Applicants' representative emphasized that the present invention derives a time waveform from a delay time of an electromagnetic wave caused by a change in position in time of a portion of the living body. Applicants' representative submitted that such a feature is neither found in, nor suggested by, Brooks and Nicolau. The traversal is repeated in detail below.

Referring to specific claim language, amended independent Claim 1 is directed to a method of identification of a living body. The method comprises the steps of detecting an electromagnetic wave in a frequency band ranging from 300 GHz to 30 THz generated from the living body where the electromagnetic wave includes superposed biological information, deriving a time waveform of the electromagnetic wave by sampling the electromagnetic wave detected in the detecting step, extracting the biological information by filtering the time waveform through a frequency property, and comparing the biological information with

preliminarily memorized biological information. The biological information extracted from the time waveform is derived from a delay time of the electromagnetic wave caused by a change of position in time of a portion of the living body.

Thus, among other notable features, Claim 1 recites that the biological information extracted from the time waveform is derived from a delay time of the electromagnetic wave caused by a change of position in time of a portion of the living body.

Brooks discloses a system for measuring electric and magnetic properties of an organism in order to determine the organism's identity. According to Brooks, when a portion of an organism interrupts an electric or magnetic field, a detector measures the amount of interruption and compares it to previously identified information to identify the organism. Brooks, column 14, line 35, to column 15, line 5.

During the interview, the Examiner took the position that interruption of an electric or magnetic field with a hand is equivalent to delaying an electromagnetic wave by a delay time caused by a change of position in time of a portion of the living body. However, as shown in Figures 13, 14, 15, 17, 19, 20, 21, 22 and 23 of Brooks, interruption of an electric or magnetic field occurs in Brooks when some portion of an organism is merely present within the test zone. Furthermore, a sweeping motion of a hand through the test zone is performed merely to obtain data for each finger in sequence.

In contrast, Claim 1 recites a change of position in time of a portion of the living body in order to cause a delay time of the electromagnetic wave. Accordingly, nowhere is Brooks understood to disclose or suggest that biological information extracted from a time waveform is derived from a delay time of the electromagnetic wave caused by a change of position in time of a portion of the living body.

Nicolau discusses using a terahertz pulse to statistically classify biomaterials. According to Nicolau, a terahertz pulse is used to give data about a whole molecule in order to automatically determine which class the data belongs to. In contrast, the method of Claim 1 is directed to identification of a living body, rather than determination of a class to which the living body belongs. Furthermore, Claim 1 recites that biological information extracted from the time waveform is derived from a delay time of the electromagnetic wave caused by a change of position in time of a portion of the living body.

Accordingly, nowhere is Nicolau understood to disclose or suggest that biological information extracted from a time waveform is derived from a delay time of the electromagnetic wave caused by a change of position in time of a portion of the living body.

Therefore, Brooks and Nicolau, even if combined, assuming for argument's sake that such could be properly combined, do not disclose or suggest the features of Claim 1. It is therefore believed that Claim 1 recites subject matter that would not have been obvious. Accordingly, withdrawal of the rejection of Claim 1 is respectfully requested.

Independent Claims 6 to 8, 10 and 12 are likewise seen as allowable over the applied combination of Brooks and Nicolau. Allowance of these claims is therefore respectfully requested.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants submit that the entire application is in condition for allowance, and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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